



The Coal  
Authority



200 Lichfield Lane  
Berry Hill  
Mansfield  
Nottinghamshire  
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

For the Attention of: Neighbourhood Planning and Strategic Planning Team  
Herefordshire Council

**[By Email: [neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk) ]**

22 November 2018

Dear Neighbourhood Planning and Strategic Planning Team

**Welsh Newton and Llanrothal Neighbourhood Development Plan -**

Thank you for consulting The Coal Authority on the above.

Having reviewed your document, I confirm that we have no specific comments to make on it.

Should you have any future enquiries please contact a member of Planning and Local Authority Liaison at The Coal Authority using the contact details above.

Yours sincerely

**Christopher Telford BSc(Hons) DipTP MRTPI**  
**Principal Development Manager**

## Latham, James

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**From:** admin@cpreherefordshire.org.uk  
**Sent:** 01 November 2018 09:54  
**To:** Neighbourhood Planning Team  
**Subject:** Re: Welsh Newton and Llanrothal Regulation 16 resubmission neighbourhood development plan consultation

Thank you for this, I have forwarded it on to our planning team, Dilys Merry

> Dear Consultee,  
>  
> Welsh Newton and Llanrothal Group Parish Council have submitted their  
> Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire  
> Council for consultation.  
>  
> The plan can be viewed at the following link:  
> [https://www.herefordshire.gov.uk/directory\\_record/3115/welsh\\_newton\\_and\\_llanrothal\\_group\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3115/welsh_newton_and_llanrothal_group_neighbourhood_development_plan)  
>  
> Once adopted, this NDP will become a Statutory Development Plan  
> Document the same as the Core Strategy.  
>  
> The consultation runs from 1 November 2018 to 13 December 2018.  
>  
> If you wish to make any comments on this Plan, please do so by  
> e-mailing:  
> [neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk)<mailto:neighbourhoodplanning@herefordshire.gov.uk>, or sending representations to the address below.  
>  
> If you wish to be notified of the local planning authority's decision  
> under Regulation 19 in relation to the Neighbourhood Development Plan,  
> please indicate this on your representation.  
>  
> Kind regards  
>  
> [Image]  
>  
>  
> James Latham  
> Technical Support Officer  
> Neighbourhood Planning and Strategic Planning teams Herefordshire  
> Council Plough Lane Hereford  
> HR4 0LE  
>  
> Tel: 01432 383617  
> Email:  
> [jlatham@herefordshire.gov.uk](mailto:jlatham@herefordshire.gov.uk)<mailto:jlatham@herefordshire.gov.uk>  
>  
> [neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk)<mailto:neighbourhoodplanning@herefordshire.gov.uk>  
> [g@herefordshire.gov.uk](mailto:g@herefordshire.gov.uk) (for Neighbourhood Planning  
> enquiries)  
> [ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk)<mailto:ldf@herefordshire.gov.uk>  
> (for Strategic Planning enquiries)

## Latham, James

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**From:** Norman Ryan <Ryan.Norman@dwrwymru.com>  
**Sent:** 10 December 2018 15:55  
**To:** Neighbourhood Planning Team  
**Subject:** RE: Welsh Newton and Llanrothal Regulation 16 resubmission neighbourhood development plan consultation

Dear Sir/Madam,

I refer to the below consultation and would like to thank you for allowing Welsh Water the opportunity to respond.

As you may be aware, we were consulted by the Group Parish Council as part of the initial Regulation 14 consultation, and as such we have no further comment to make at this time.

Should you require any further information, please do not hesitate to contact me.

Kind regards,



**Ryan Norman**  
**Forward Plans Officer | Developer Services | Dwr Cymru Welsh Water**  
Linea | Cardiff | CF3 0LT | T: 0800 917 2652 | [www.dwrwymru.com](http://www.dwrwymru.com)

*We will respond to your email as soon as possible but you should allow up to 10 working days to receive a response. For most of the services we offer we set out the timescales that we work to on our Developer Services section of our website. Just follow this link <http://www.dwrwymru.com/en/Developer-Services.aspx> and select the service you require where you will find more information and guidance notes which should assist you. If you cannot find the information you are looking for then please call us on 0800 917 2652 as we can normally deal with any questions you have during the call.*

*If we've gone the extra mile to provide you with excellent service, let us know. You can nominate an individual or team for a Diolch award through our [website](#).*

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**From:** Neighbourhood Planning Team [mailto:neighbourhoodplanning@herefordshire.gov.uk]  
**Sent:** 01 November 2018 09:38  
**Subject:** Welsh Newton and Llanrothal Regulation 16 resubmission neighbourhood development plan consultation

\*\*\*\*\* External Mail \*\*\*\*\*

Dear Consultee,

Welsh Newton and Llanrothal Group Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link:

[https://www.herefordshire.gov.uk/directory\\_record/3115/welsh\\_newton\\_and\\_llanrothal\\_group\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3115/welsh_newton_and_llanrothal_group_neighbourhood_development_plan)

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 1 November 2018 to 13 December 2018.

If you wish to make any comments on this Plan, please do so by e-mailing:

[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk), or sending representations to the address below.

Neighbourhood Planning Team  
Planning Services  
PO Box 4  
Hereford  
HR2 2ZB

By email only to: [neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk)

11<sup>th</sup> December 2018

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Welsh Newton & Llanrothal Neighbourhood Plan (WNLNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Gladman requests to be added to the Council's consultation database and to be kept informed on the progress of the emerging neighbourhood plan. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy.

### **Legal Requirements**

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the WNLNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*

### **Revised National Planning Policy Framework**

On the 24<sup>th</sup> July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper.

Paragraph 214<sup>1</sup> of the revised Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24<sup>th</sup> January 2019. Given the date of this consultation, the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2012.

### **National Planning Policy Framework (2012) and Planning Practice Guidance**

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

### **Planning Practice Guidance**

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The

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<sup>1</sup> National Planning Policy Framework, paragraph 214

requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.

On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. It is with that in mind that Gladman has reservations regarding the WNLNP's ability to meet basic condition (a) and this will be discussed in greater detail throughout this response.

### **Relationship to Local Plan**

To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

The adopted development plan relevant to the preparation of the Welsh Newton and Llanrothal Neighbourhood Plan area, and the development plan which the WNLNP will be tested against is the Herefordshire Core Strategy (HCS). This document was adopted in October 2015 and sets out the visions, objectives, spatial strategy and overarching policies to guide development in the Herefordshire from 2011 – 2031.

Policy SS2 of the HCS sets out a minimum requirement of 16,500 homes that will be delivered over the plan period. There is a reliance on rural settlements including the Welsh Newton and Llanrothal parish to contribute 5,300 new homes that will be delivered through either neighbourhood planning or the emerging Rural Areas and Site Allocations Development Plan Document (RASA DPD). Policy RA1 of the HCS identifies an indicative housing growth target of 14% for the Ross on Wye Rural HMA, inclusive of the Welsh Newton and Llanrothal parish.

Policy SS3 of the HCS determines that where housing completions fall below the annual requirement this could lead to one of the following mechanisms being introduced;

- a partial review of the Local Plan,
- preparation of new Development Plan Documents or,
- utilising evidence from the Strategic Housing Land Availability Assessment to identify additional housing land.

With this in mind and given that Herefordshire Council cannot demonstrate a 5-year supply, Gladman suggest sufficient flexibility is provided in the policies of the plan to safeguard the WNLNP from conflicting with future development proposals should they be required.

### **Welsh Newton and Llanrothal Neighbourhood Plan**

This section highlights the key issues that Gladman would like to raise with regards to the content of the WNLNP as currently presented. It is considered that some policies do not reflect the requirements of national policy and guidance and as such Gladman have sought to recommend a series of alternative options that should be explored.

As a general comment, Gladman suggest a slight alteration to the overall wording of the WNLNP. Where reference is made to development being 'permitted' or 'not permitted' we suggest amending so it reads 'supported' or 'not supported'. It is Herefordshire Council as the local planning authority who is the decision maker, not the Parish Council, and consequently the WNLNP should not be suggesting that planning permission will not be permitted.

### **Visions and Objectives**

Gladman are concerned with the wording of the objectives for the Welsh Newton and Llanrothal Neighbourhood Plan and suggest that this does not set out a positive approach to planning in the neighbourhood area. This is highlighted by the use of the terms 'retain', 'protect', 'preserved' and 'limit'. We suggest the objectives of the plan are revisited to establish a positive approach to planning in the neighbourhood area.

### **Policy WNL1: Protecting and Enhancing Local Landscape Character**

Gladman are concerned with criterion (15) of policy WNL1 which seeks to protect numerous key views in the neighbourhood area. Having considered the evidence available directly below the policy, Gladman do not consider this evidence to be sufficient enough to justify the protection of the number of key views identified.

Gladman consider that for a view to be identified for protection there should be demonstrable physical attributes that elevates a views importance out of the ordinary, it is not justified to seek to protect nice views of open countryside. Opinions on landscape are highly subjective therefore the Parish Council must ensure the evidence contained within the WNLNP is robust enough to demonstrate why these views and landscapes are considered special.

### **Policy WNL4: Local Green Space Protection**

Policy WNL4 seeks to designate 2 parcels of land as Local Green Space (LGS). The previous Framework is explicit in stating at paragraph 77 that 'Local Green Space designation will not be appropriate for most green areas or open space'. With this in mind, it is imperative that the plan makers can clearly demonstrate that the requirements for LGS designation are met. The designation of LGS should only be used:

- Where the green space is in reasonably close proximity to the community it serves;

- Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- Where the green area concerned is local in character and is not an extensive tract of land.

With regards to the proposed designation of Glebe Field, Gladman do not consider the evidence put forward is robust or proportionate enough to support the designation. This can be highlighted by ambiguous comments in the supporting text such as *"The grassland is probably of some wildlife value as it is unimproved"*. In allocating sites for LGS designation the previous Framework is clear that **all** tests must be met. As such, the WNLNP is not supported by proportionate and robust evidence as required by the previous Framework and is therefore contrary to basic condition (a).

### **Policy WNL5: Building Design Principles**

Policy WNL5 sets out six design criteria that all development proposals will be measured against.

Gladman are concerned that some of the criterion in the policy are overly prescriptive and could limit suitable sustainable development coming forwards. Gladman suggest more flexibility is provided in the policy wording to ensure high quality residential developments are not compromised by overly restrictive criteria. We suggest regard should be had to paragraph 60 of the previous Framework which states that;

*"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles"*

### **Policy WNL6: Welsh Newton Common Settlement Boundary and New Housing**

Gladman suggest policy WNL6 requires a slight tweak to ensure it meets the basic conditions and is general conformity with the Local Plan. Gladman suggest policy WNL6 is explicit in its support of sustainable development adjoining the defined settlement boundary. This already appears to be the Parish Councils position as we note that objective 4 of policy WNL1 states *"developments adjoining or within"*.

The use of a settlement boundary to preclude otherwise sustainable development from coming forward does not accord with the positive approach to growth required by the previous Framework and is contrary to basic condition (a). By failing to support development adjacent to the settlement boundary, policy WNL6 would also direct conflict with HCS Policy RA2 which states sustainable housing growth will be supported in **or adjacent** to identified settlements.

### **Conclusions**

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the WNLNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

Gladman is concerned that the plan in its current form does not comply with basic conditions (a). The plan does not conform with national policy and guidance and in its current form does not contribute to the achievement of sustainable development.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours Faithfully,

Andrew Collis

[a.collis@gladman.co.uk](mailto:a.collis@gladman.co.uk)

Gladman Developments Ltd.

Our ref: SHARE/68148790  
Your ref: Welsh Newton and Llanrothal NDP

James Latham  
Technical Support Officer  
Neighbourhood Planning and Strategic Planning teams  
Herefordshire Council  
Via Email: [jlatham@herefordshire.gov.uk](mailto:jlatham@herefordshire.gov.uk)

Priya Sansoy  
Assistant Asset Manager  
Operations Directorate

The Cube  
199 Wharfside Street  
Birmingham  
B1 1RN  
[www.highways.gov.uk](http://www.highways.gov.uk)

Direct Line: 0300 470 8130

28 November 2018

Dear James,

**Welsh Newton and Llanrothal Regulation 16 resubmission Neighbourhood Development Plan consultation**

Thank you for forwarding me details of the submission consultation for the Welsh Newton and Llanrothal Neighbourhood Plan (WNLNP).

Highways England is responsible for the operation and maintenance of the Strategic Road Network (SRN) in England. The network includes all major motorways and trunk roads. It is committed to supporting Government objectives on economic growth and sustainable transport, and recognises the need for closer integration of transport and land use planning as set out in the Department for Transport (DfT) Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development'. The nearest section of the SRN to Welsh Newton and Llanrothal is the A40.

We recognise that the Neighbourhood Plan considers the need to conform to the policies set out within the adopted Herefordshire Local Plan Core Strategy and that the plan therefore considers key development allocations including housing.

Following our review, we can confirm that Highways England has no concerns regarding the policies set out within the NDP and we support the continued commitment to sustainable development contained within the plan.

Please do not hesitate to contact me if you require any more information or clarification.

Yours sincerely

Priya Sansoy  
OD Midlands  
Email: [Priya.Sansoy@highwaysengland.co.uk](mailto:Priya.Sansoy@highwaysengland.co.uk)



Mr James Latham  
Herefordshire Council  
Neighbourhood Planning & Strategic Planning  
Planning Services, PO Box 230, Blueschool House  
Blueschool Street  
Hereford  
HR1 2ZB

Direct Dial: 0121 625 6887

Our ref: PL00046995

29 November 2018

Dear Mr Latham

### **WELSH NEWTON & LLANROTHAL NEIGHBOURHOOD PLAN - REGULATION 16 CONSULTATION**

Thank you for the invitation to comment again on the Submission Neighbourhood Plan and Historic England has no substantive comments to add to those conveyed in our earlier regulation 16 consultation response that is:

*“Historic England are supportive of both the Vision set out in the Plan and the content of the document, particularly its’ emphasis on local distinctiveness and the maintenance of rural character.*

*We particularly commend the thorough approach taken to, inter alia, protecting and enhancing landscape character (Policy WNL1) and the retention of locally important buildings and orchards and the protection of archaeological remains. Equally commendable is the approach taken to Building Design (Policy WNL4) (NB now WNL5) including in relation to historic farmsteads.*

*Historic England considers that the identification of Welsh Newton Common as an area of quite distinct character, the definition of a settlement boundary here and the crafting of a bespoke Policy (WNL5) (NB now WNL6) for the areas protection and future management constitutes a quite exemplary approach.*

*Overall the plan reads as a well-considered, concise and fit for purpose document which we consider takes a suitably proportionate approach to the historic environment of the Parish”.*

Beyond those observations we have no further substantive comments to make on what Historic England considers is a very good example of community led planning. I hope you find this advice helpful.

Yours sincerely,

Peter Boland  
Historic Places Advisor  
peter.boland@HistoricEngland.org.uk



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6870  
HistoricEngland.org.uk



Neighbourhood Planning and Strategic Planning Teams  
Herefordshire Council  
Plough Lane  
Hereford  
HR4 0LE

Hannah Lorna Bevins  
Consultant Town Planner

Tel: 01926 439127  
[n.grid@amecfw.com](mailto:n.grid@amecfw.com)

**Sent by email to:**

[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk)

23 November 2018

Dear Sir / Madam

**Welsh Newton and Llanrothal Neighbourhood Plan Consultation  
SUBMISSION ON BEHALF OF NATIONAL GRID**

National Grid has appointed Wood to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regards to the above Neighbourhood Plan consultation.

**About National Grid**

National Grid owns and operates the high voltage electricity transmission system in England and Wales and operate the Scottish high voltage transmission system. National Grid also owns and operates the gas transmission system. In the UK, gas leaves the transmission system and enters the distribution networks at high pressure. It is then transported through a number of reducing pressure tiers until it is finally delivered to our customer. National Grid own four of the UK's gas distribution networks and transport gas to 11 million homes, schools and businesses through 81,000 miles of gas pipelines within North West, East of England, West Midlands and North London.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect our assets.

**Assets in your area**

National Grid has identified the following high voltage overhead powerline as falling within the Neighbourhood area boundary:

- **4YU Route - 400kV two circuit route from Rassau substation in Blaenau Gwent substation to Brelston Green substation in Melksham in Herefordshire**



From the consultation information provided, the above overhead powerline does not interact with any of the proposed development sites.

#### Gas Distribution – Low / Medium Pressure

Whilst there is no implications for National Grid Gas Distribution's Intermediate / High Pressure apparatus, there may however be Low Pressure (LP) / Medium Pressure (MP) Gas Distribution pipes present within proposed development sites. If further information is required in relation to the Gas Distribution network please contact [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)

#### **Electricity distribution**

Information regarding the distribution network can be found at: [www.energynetworks.org.uk](http://www.energynetworks.org.uk)

#### **Key resources / contacts**

National Grid has provided information in relation to electricity and transmission assets via the following internet link:

<http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/>

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown below to your consultation database:

Hannah Lorna Bevins  
Consultant Town Planner

[n.grid@amecfw.com](mailto:n.grid@amecfw.com)

Wood E&I Solutions UK Ltd  
Gables House  
Kenilworth Road  
Leamington Spa  
Warwickshire  
CV32 6JX

Spencer Jefferies  
Development Liaison Officer, National Grid

[box.landandacquisitions@nationalgrid.com](mailto:box.landandacquisitions@nationalgrid.com)

National Grid House  
Warwick Technology Park  
Gallows Hill  
Warwick  
CV34 6DA

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

Yours faithfully

[via email]

**Hannah Lorna Bevins**  
**Consultant Town Planner**

cc. Spencer Jefferies, National Grid

Date: 07 December 2018  
Our ref: 264968  
Your ref: Welsh Newton and Llanrothal



James Latham  
Neighbourhood Planning and Strategic Planning teams  
Herefordshire Council  
Plough Lane  
Hereford  
HR4 0LE

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**

[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk)

T 0300 060 3900

Dear Mr Latham

**Welsh Newton and Llanrothal Group Parish Neighbourhood Development Plan - Regulation 16**

Thank you for your consultation on the above dated 01 November 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made..

**Natural England does not have any specific comments on this draft neighbourhood plan.**

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

For any further consultations on your plan, please contact: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Victoria Kirkham  
Consultations Team

# Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

## Natural environment information sources

The [Magic](#)<sup>1</sup> website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)<sup>2</sup>.

**Priority habitats** are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)<sup>3</sup>. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

**National Character Areas (NCAs)** divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)<sup>4</sup>.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty (AONB)**, the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](#)<sup>5</sup> website and also from the [LandIS website](#)<sup>6</sup>, which contains more information about obtaining soil data.

## Natural environment issues to consider

The [National Planning Policy Framework](#)<sup>7</sup> sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)<sup>8</sup> sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

### Landscape

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<sup>1</sup> <http://magic.defra.gov.uk/>

<sup>2</sup> <http://www.nbn-nfbr.org.uk/nfbr.php>

<sup>3</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>4</sup> <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

<sup>5</sup> <http://magic.defra.gov.uk/>

<sup>6</sup> <http://www.landis.org.uk/index.cfm>

<sup>7</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>8</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

### Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)<sup>9</sup>), such as Sites of Special Scientific Interest or [Ancient woodland](#)<sup>10</sup>. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

### Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)<sup>11</sup>) or protected species. To help you do this, Natural England has produced advice [here](#)<sup>12</sup> to help understand the impact of particular developments on protected species.

### Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)<sup>13</sup>.

## **Improving your natural environment**

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

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<sup>9</sup><http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>10</sup> <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

<sup>11</sup><http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>12</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>13</sup> <http://publications.naturalengland.org.uk/publication/35012>

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#) <sup>14</sup>).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

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<sup>14</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

## Latham, James

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**From:** Patti Fender  
**Sent:** 05 November 2018 15:37  
**To:** Latham, James  
**Subject:** Welsh Newton and Llanrothal Neighbourhood Development Plan.

Welsh Newton and Llanrothal Neighbourhood Development Plan.

NDP regulation 16 consultation period.

Dear Mr. Latham,

There are references to flood issues within the Neighbourhood Development Plan, namely:

4.4.3. "Welsh Newton is at the bottom of a steep sided valley and at the low point in the road, at the southern end of the village, there are already flooding problems due to uncontrolled run off and insufficient drainage."

5.2.30. "There is an ongoing problem with flooding in Welsh Newton."

On Maps 7 and 9 a ditch system known to be responsible for flooding is referenced to have issues.

Should I expect that these flood issues were discussed by the Parish Council during preparation for inclusion in the Neighbourhood Development Plan?

Thanking you in anticipation of your reply.

Yours sincerely,

Patti Fender. (Mrs.)

**TO: DEVELOPMENT MANAGEMENT- PLANNING AND  
TRANSPORTATION  
FROM: ENVIRONMENTAL HEALTH AND TRADING  
STANDARDS**



**APPLICATION DETAILS**

269721 /

Welsh Newton & Llanrothal Group Reg 14

Susannah Burrage, Environmental Health Officer

I have received the above application on which I would be grateful for your advice.

The application form and plans for the above development can be viewed on the Internet within 5-7 working days using the following link: <http://www.herefordshire.gov.uk>

I would be grateful for your advice in respect of the following specific matters: -

Air Quality	Minerals and Waste
Contaminated Land	Petroleum/Explosives
Landfill	Gypsies and Travellers
Noise	Lighting
Other nuisances	Anti Social Behaviour
Licensing Issues	Water Supply
Industrial Pollution	Foul Drainage
Refuse	

Please can you respond by ..

**Comments**

Our comments are with reference to the potential impact on the amenity – in terms of noise, dust, odours or general nuisance to residential occupants that might arise as a result of any new residential development or any new commercial or industrial development.

Our department suggests an amendment to Policy RA2 5.2.2 2. 'Their locations make best and full use of suitable brownfield sites wherever possible' to be amended to add 'where the proposed site is not adversely impacted by adjacent commercial or agricultural activity'. This is to protect the amenity of future residential occupants.

Signed: Susannah Burrage

Date: 27 November 2018

**Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment**

From Herefordshire Council Strategic Planning Team

 Name of NDP: Welsh Newton & Llanrothal- Regulation 16 (2<sup>nd</sup> submission) consultation draft

Date: 05/11/18

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
WNL1- Protecting and Enhancing Local Landscape Character	SS1; SS6; RA2; RA5; MT1; SD1; LD1-LD4; SD4	Y	
WNL2- Green Infrastructure	SS6; LD2; LD3	Y	
WNL3- Protecting and Enhancing Local Wildlife and Habitats	SS6; LD2; LD3	Y	
WNL4- Local Greenspace Protection	SS6; OS3; LD3	Y/N	<p>The Local Green Space designation is not considered necessary for the common land in Welsh Newton. Being common land would mean it is protected from any development incompatible with future continued use of it as common land. <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/477135/common-land-consents-policy.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/477135/common-land-consents-policy.pdf</a> (see paragraph 5.13)</p> <p>The designation could also be considered inappropriate against the NPPF criteria, as it could be viewed to be an extensive tract of land.</p> <p>References to the relevant NPPF</p>

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
			<p>paragraphs need updating in light of the new updated document. It should now refer to paragraphs 99, 100, and 101.</p> <p>Number labelling of maps 6 &amp; 7 but referred to maps 5 &amp; 6.</p>
WNL5- Building Design Principles	SS1; RA2; RA3; LD4; SD1	Y	The first sentences of points 1 and 2 appear to repeat quite similar criteria. Could this be revised down into one to make the policy more succinct and avoid repetition?
WNL6- Welsh Newton Common Settlement Boundary and New Housing	SS1; RA2; RA3; RA4; H2; LD4	Y	
WNL7- Rural Exception Housing	SS1; RA3; RA4; RA5; H2	Y	
WNL8- Extensions to Houses and Residential Conversions of Former Agricultural Buildings	SS1; RA5 SD1	Y	
WNL9- Site Allocation- Former Garage Site, Welsh Newton	SS1; RA2; H1; H3	Y	<p>“Some market housing may be permitted as part of the development in order to subsidise affordable housing provision”.</p> <p>“The affordable housing element should be offered at a market rent until such time as a local person needs it. The houses in the affordable part of the scheme should not exceed 3 bedrooms”. Is there evidence to support this particular requirement?</p>

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
			<p>Needs may be subject to change over time and the Strategic Housing Team should be consulted on this element.</p> <p>From personal observation, this site appears to now be developed? Therefore should this policy still be included?</p>
WNL10- New business development in former agricultural buildings	SS5; RA3; RA5; RA6; SD3; SD4; E1	Y	
WNL11- Polytunnels	SS6	Y	<p>Paragraph 5.3.5- The reference to the SPD needs to be updated. This has since been replaced with the Polytunnels Planning Guide, published in June 2018. This is no longer a Supplementary Planning Document.</p> <p>Polytunnels are considered to be a 'less vulnerable' development in the 'flood risk vulnerability classification' Table 2 National Planning Practice Guidance (NPPG). Whether this is in flood zone 3a or 3b will have a bearing on what may be permitted.</p>
WNL12- Supporting New Communications Technologies and Broadband	SS1; E3	Y	
WNL13- Supporting Community-	SS1; SS6; SS7; LD1;	Y	

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
Led Low Carbon Energy Schemes	LD2; SD2		
WNL14- Renewable Energy Schemes	SS1; SS6; SS7; SD2	Y	
WNL15- Improving Local Footpaths, Bridleways, Cycleways and other Public Rights of Way	SS4; MT1	Y	
WNL16- Provision and Protection of Local Community Facilities	SS1; SC1	Y	

**From:** Turner, Andrew  
**Sent:** 18 December 2018 12:56  
**To:** Neighbourhood Planning Team  
**Subject:** RE: Welsh Newton and Llanrothal Regulation 16 resubmission neighbourhood development plan consultation

**Re: Welsh Newton & Llanrothal Group draft Neighbourhood Development Plan, October 2018**

Dear Neighbourhood Planning Team, apologies for the delay in responding to you.

I refer to the above and would make the following comments with regard to the proposed development area identified in the “Welsh Newton & Llanrothal Group Regulation 16 Neighbourhood Development Plan”:

1. Having reviewed Ordnance survey historical plans, I would advise regarding draft policy “Policy WNL9 Site Allocation – Former Garage Site” for housing, commercial and tourist use outlined in red on map 9 the “Former garage site, Welsh Newton ” –
  - Records indicate the proposed site is located on a former garage/ filling station which has historically stored petrol tanks.

The garage site is a potentially contaminative use and will require consideration prior to any development. Petrol tanks, interceptors, pipe runs, spill areas, oil storage and inspection pits are all areas on a garage site where there is a possibility for contamination to occur.

Any future redevelopment of the site would be considered by the Planning Services Division of the Council however, if consulted it is likely this division would recommend any application that is submitted should include, as a minimum, a ‘desk top study’ considering risk from contamination in accordance with BS10175:2011 so that the proposal can be fully considered. With adequate information it is likely a condition would be recommended such as that included below:

1. *No development shall take place until the following has been submitted to and approved in writing by the local planning authority:*
  - a) *a ‘desk study’ report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice*
  - b) *if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors*
  - c) *if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.*

*Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.*

2. *The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.*

*Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.*

3. *If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.*

*Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.*

*Technical notes about the condition*

1. *I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.*

2. *And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.*

2. The following draft policies have not identified specific sites in the NDP but refer to the conversion or redevelopment of agricultural buildings:

*“WNL8: Extensions to houses and residential conversions of former agricultural buildings”  
“WNL10: New business development in former agricultural buildings”*

- Regarding any policies throughout the NDP that refer to conversions on former agricultural buildings I would add the following:

Some farm buildings may be used for the storage of potentially contaminative substances (oils, herbicides, pesticides) or for the maintenance and repair of vehicles and machinery. As such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development.

General comments:

Developments such as hospitals, homes and schools may be considered ‘sensitive’ and as such consideration should be given to risk from contamination notwithstanding any comments. Please note that the above does not constitute a detailed investigation or desk study to consider risk from contamination. Should any information about the former uses of the proposed development areas be

available I would recommend they be submitted for consideration as they may change the comments provided.

Finally it should be recognised that contamination is a material planning consideration and is referred to within the NPPF. I would recommend applicants and those involved in the parish plan refer to the pertinent parts of the NPPF and be familiar with the requirements and meanings given when considering risk from contamination during development.

These comments are provided on the basis that any other developments would be subject to application through the normal planning process.

Kind regards

Andrew

# Herefordshire.gov.uk

Andrew Turner  
Technical Officer (Air, Land & Water Protection)  
Economy and Place Directorate,  
Herefordshire Council  
8 St Owens Street,  
Hereford.  
HR1 2PJ

Direct Tel: 01432 260159  
Email: [aturner@herefordshire.gov.uk](mailto:aturner@herefordshire.gov.uk)



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**From:** Neighbourhood Planning Team  
**Sent:** 01 November 2018 09:38  
**Subject:** Welsh Newton and Llanrothal Regulation 16 resubmission neighbourhood development plan consultation

Dear Consultee,

Welsh Newton and Llanrothal Group Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link:  
[https://www.herefordshire.gov.uk/directory\\_record/3115/welsh\\_newton\\_and\\_llanrothal\\_group\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3115/welsh_newton_and_llanrothal_group_neighbourhood_development_plan)

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.